



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

IN REPLY REFER TO

OPNAVINST 12300.2A
Op-141F

JUL 06 1981

OPNAV INSTRUCTION 12300.2A

From: Chief of Naval Operations

Subj: Delegation of civilian personnel authorities

Ref: (a) Public Law 95-454, Civil Service Reform Act of 1978
(b) FPM BTN 300-48 of 19 Mar 79
(c) FPM BTN 300-52 of 2 May 79
(d) SECNAV Memorandum of 17 Sep 79 (NOTAL)
(e) SECNAV Memorandum of 6 Feb 81 (NOTAL)

(A)

Encl: (1) Delegation of Civilian Personnel Authorities to Heads of Activities and Headquarters Offices
(2) Delegation of Civilian Personnel Authorities to Heads of Major Commands for Subordinate Activity or Headquarters Office
(3) Delegation of Civilian Personnel Authority to Directors of Naval Civilian Personnel Command Field Divisions
(4) Delegation of Civilian Personnel Authorities to Special Assistant for Civilian Personnel/EEO

(R)

1. Purpose

a. To implement Secretary of the Navy policy on decentralization of civilian personnel authorities and delegate such authorities to specified management levels under the Chief of Naval Operations.

b. This revision: (1) allows specified management levels to designate officials to act on delegated civilian personnel authorities, (2) delegates to the Special Assistant for Civilian Personnel/Equal Employment Opportunity authority to act on civilian personnel authorities retained at the Secretarial level, (3) authorizes heads of activities and headquarters offices to waive reduction in military retirement pay for retired regular officers employed as Medical Officers at the GS-11 through 14 levels, and (4) authorizes the Director, Naval Civilian Personnel Command (NCPC) and the Directors of NCPC Field Divisions to approve conversion of employees to career/career-conditional appointment under specified conditions.

(A)

2. Cancellation. OPNAV Instruction 12300.2.

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3. Background

a. In early 1978, a study was undertaken to examine the feasibility/desirability of delegating many of the 112 provisions in Federal Personnel Regulations for exception to established requirements. These exceptions were authorized only with prior approval of the Office of Personnel Management (OPM). As a result of the study, a determination was made that some authorities could be delegated without regulatory change and some delegated only with legislative and/or regulatory change. Several authorities which did not require regulatory change were delegated in Federal Personnel Manual (FPM) Letter 300-24 of 15 May 1978, prior to passage of reference (a). This FPM letter has since been cancelled as the authorizations have now been included in regular FPM chapters.

b. Since the passage of reference (a), by references (b) and (c) the Director, OPM has delegated a number of civilian personnel authorities to heads of agencies in the executive branch and other agencies employing personnel in the competitive service. In reference (c) the Director, OPM has also authorized delegation of a number of additional civilian personnel authorities through delegation agreements. The Secretary of Defense has authority to negotiate such agreements with OPM. To date, the remaining provisions for exception to established requirements have not been delegated by the Director, OPM.

c. The Secretary of Defense has redelegated the majority of the aforementioned civilian personnel authorities to the Secretaries of the Military Departments. By reference (d), these authorities were redelegated to the Chief of Naval Operations with the exception of five retained at the component headquarters level. Modifications to reference (d) were made by reference (e).

4. Discussion

A) a. The findings and statement of purpose (Section 3 (5)) of reference (a) provide that the policy of the United States is to delegate authority to take appropriate civilian personnel actions to agencies in order to expedite processing. That section further provides that OPM is responsible for control and oversight to insure against use of the civilian personnel authorities for unsound management practices. The Director, OPM is authorized by Section 1104 of reference (a) to delegate any of his functions (with certain exceptions) to the heads of agencies in the executive branch and other agencies employing persons in the

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competitive service. The Director, OPM has delegated the authorities listed herein and encouraged heads of agencies to make further delegation of these authorities to line managers and operating personnel offices. Many of these authorities are being delegated to the activity level. The sound use of such authorities, consistent with the letter and intent of controlling regulations will be important in proving the concept that maximum delegation contributes to better management and that line managers will responsibly administer authorities delegated to them. Authorities not responsibly administered will be subject to withdrawal. Delegation agreements authorized by reference (c) must be negotiated between the Office of the Secretary of Defense and OPM and will be the subject, along with information on additional delegations from OPM, of later directives. Until such publication, requests for exceptions covered by agreements listed in reference (c) and for exceptions not delegated herein are to be submitted to the appropriate Regional OPM office for approval or, if central office approval required, to the Naval Civilian Personnel Command Headquarters.

b. The Secretary of Defense has retained authorities published in reference (b):

(1) To authorize emergency, indefinite appointments under specified emergency conditions, and

(2) To exclude Presidential appointees from annual and sick leave.

c. OPM plans to establish and maintain an oversight program to assess the use of these authorities during personnel management evaluations and to conduct special studies in a cross section of activities. The objective of the studies will be to:

(1) Determine whether delegations of authority provided to agencies in 1979 are perceived as helping managers do their jobs better;

(2) Determine whether delegation has reduced delays affecting agency personnel actions; and

(3) Identify problems agencies are having in realizing the benefits of delegation or in applying newly delegated authorities.

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5. Delegation

a. Authorities listed in enclosure (1) are hereby delegated, through the chain of command, to heads of activities and headquarters offices. These officials may further delegate the personnel authorities listed in enclosure (1) to directors of servicing civilian personnel offices. Superiors in the chain of command may revoke and redelegate the listed authorities delegated to a subordinate, as long as the redelegation is to a level no lower than the original delegation.

R) b. Authorities listed in enclosure (2) are hereby delegated, through the chain of command, to heads of major commands for subordinate activities or their designees. For this purpose, heads of major commands are defined as follows: The Assistant Vice Chief of Naval Operations/Director of Naval Administration for those field activities that directly report to CNO; all echelon II commanders (major claimants) under CNO; and, under the Chief of Naval Material, the commanders of the systems commands. Such actions within the major command headquarters office require approval of the immediate superior in command.

R) c. Authorities listed in enclosure (3) are hereby delegated, through the chain of command, to the Director, Naval Civilian Personnel Command (NCPC) and the Directors of NCPC Field Divisions or their designees. Requests should be submitted to the cognizant NCPC office.

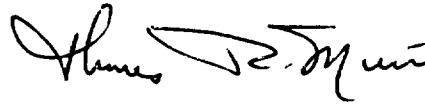
R) d. Authorities listed in enclosure (4) are retained at the Secretarial level. Requests for approval should be submitted to: Special Assistant for Civilian Personnel/Equal Employment Opportunity (SACP/EEO), Department of the Navy, Washington, D.C. 20350.

6. Action. Individuals holding delegated authorities and their superiors in the chain of command have the responsibility to insure that OPM and Navy regulations, guidelines, and instructions are properly applied to all actions taken under the delegated authorities. The following minimum records for each action taken under the delegated authorities specified in enclosures (1) through (4) must be maintained by the approving and requesting authorities. The following record must be available for audit for at least two years after the action:

a. Type of action

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- b. Processing time
- c. Name of the person who authorized the final action
- d. Date of the decision
- e. A brief statement setting forth the rationale for the decision
- A) f. A brief statement as to whether the action had a direct impact on affirmative action program goals and objectives.



THOMAS R. MUIR
By direction

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DELEGATIONS OF CIVILIAN PERSONNEL AUTHORITIES TOHEADS OF ACTIVITIES AND HEADQUARTERS OFFICESAuthorities for Which Regulatory Changes Have Been Made

- 1-1 Part 213.3101(b): Certain exceptions to restrictions against employment of sons and daughters including appointment of severely handicapped or mentally retarded sons and daughters for summer of student employment. (FPM 338.2-6b)
- 1-2 Part 213.3102(n): Contract or part-time employment of local physicians, surgeons, or dentists. (Reference FPM 213, Appendix C-1)
- 1-3 Part 213.3102(p): Employment and extension of appointments of graduate students who are using their federal employment to meet academic requirements. (Reference FPM 213, Appendix C-1 (P))
- 1-4 Part 213.3102(x): Employment of inmates under work-release programs in shortage category positions. (Reference FPM 213, Appendix C-1)
- 1-5 Part 213.3102(y): Summer employment of finalists in national science contests. (Reference FPM 213, Appendix C-1)
- 1-6 Part 315.602: Noncompetitive appointments based on White House service. (Reference FPM 315.6-4)
- 1-7 Part 315.604:(b): Noncompetitive appointments of certain disabled veterans. (Reference 5 CFR Rule III, Section 3.1(a)(2) and FPM 315.6-6 and Appendix B)
- 1-8 Part 315.703(a): Conversion to career employment of employees serving under indefinite or status quo appointments or temporary appointments pending establishment of a register. (Reference FPM 315.7-6)
- 1-9 Part 351.801(c): Extension of RIF notice period beyond 180 days. (Reference FPM 351.8)

Enclosure (1)

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- R) 1-10 Part 511.201 & Part 534.201-204: Exclusion from General Schedule and approval of maximum stipends for certain student employees. (Reference 5 USC 5103, 5351(2)(b) and 5352 and FPM 534.2-3a)
- 1-11 Part 550.504: Dual Employment. Payment of an employee for more than one position for more than a total of 40 hours a week. (FPM 550.5-7)
- 1-12 Part 572.101: Payment of travel and transportation expenses of GS-16 and above equivalent to first post of duty. (5 USC 5723)
- 1-13 Part 930.105: Approval of alternate standards for motor vehicle operators. (Reference FPM 930.1-5)
- 1-14 Part 930.107: Waiver of road test for motor vehicle operators. (Reference FPM 930.1-6b)

Authorities not Requiring Regulatory Changes

- 1-15 Appointment of Experts and Consultants. (Reference FPM 304, Subchapter I)
- 1-16 Extension of One Month Temporary Limited Appointments for Special Needs. (5 CFR 316.4-9B and FPM 316.4-9b)
- 1-17 Appointment Based on Legislative or Judicial Service. (5 USC 3304, FPM Chapter 315, Subchapter 6)
- 1-18 Extension of Temporary Limited Appointment Authority Beyond 12 Months for Certain Wage Grade Positions. (Reference FPM Bulletin 300-49)
- 1-19 Extension of Details in 120-day increments up to total of one year to positions at same or lower level and up to 240 days to higher level positions. (Reference FPM 300-49)
- 1-20 Details to Facilitate Major Reorganizations. Authority to extend details to higher level positions for a maximum of one year, in major realignments (including major classification reviews).

1-1-80 (30)

- 1-21 Assignment of Excepted Employees to Competitive Positions (Schedules A & B). (Reference CSC Rule 6-5 and FPM 302.1)
- 1-22 Controls on Non-Government Training for Employees. (Reference 5 USC 4106(a)(3) and (b) and FPM 410.5-4c)
- 1-23 Approval When Filling Certain Positions with Severely Handicapped Persons. (Reference 5 CFR 213.3102(u) and FPM 306.4-2)
- 1-24 Approval of Training Plans for Disabled Veterans. (Reference 38 USC Chapter 31 and FPM Letter 315-8)
- 1-25 Noncompetitive Appointment of Former Peace Corps, VISTA and ACTION Volunteers. (Reference 5 CFR 315.605 and FPM 315.6-7)
- 1-26 Extension of Temporary Appointments Based on Reinstatement Eligibility for up to One Additional Year. (Reference FPM 316.1-3a(1)d and 316.4-8)
- 1-27 Part 550.603 Waiver of Reduction in Military Retirement Pay for Retired Regular Officers Appointed as Medical Officers at Grades GS-11 through GS-14. (Reference 5 USC 5532 and 5 CFR 550.603a) This authorization is granted for a period not to exceed 11 January 1984. (A)

- NOTE:
- (1) Authorities 1-1 through 1-14 involve changes to Civil Service Regulations which were published in the Federal Register on 16 February 1979. The changes in the regulations and an explanation of authorities 1-15 through 1-20 were distributed to Federal Personnel Manual holders by FPM Bulletin 300-49.
 - (2) The authorities in 1-19 and 1-20 do not authorize extending details to unclassified duties beyond 120 days. Neither do they permit delay in putting reclassification actions into effect.
 - (3) Authorities in 1-21 through 1-24 were published in FPM Bulletin 300-52.
 - (4) Authorities 1-25 and 1-26 were originally delegated by FPM Letter 300-24. 1-24 has been incorporated into the FPM and 1-25 will be incorporated in FPM 316.4.

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- (5) Authorities are limited to the conditions covered by applicable regulations and instructions.
- (6) The authority in CFR 213.3102(h) contained in FPM Bulletin 300-49, concerning employment at the Federal Mental Institutions of their former patients, is not considered applicable to DON.

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DELEGATIONS OF CIVILIAN PERSONNEL AUTHORITIES TO
HEADS OF MAJOR COMMANDS FOR SUBORDINATE ACTIVITY OR

HEADQUARTERS OFFICE

- 2-1 Part 310.202: Appointments not to exceed one month, and extensions not to exceed a second month, as an exception to statutory nepotism restrictions in an emergency. (Reference FPM 310.2-2 and FPM 316.4-9b (3))
- 2-2 Approval of the use of Term Appointments. (Reference FPM 316.3 and FPM 316, Appendix A)

NOTE: (1) Authority 2-1 involves change to Civil Service Regulations published in the Federal Register on 16 February 1979 which was distributed by FPM Bulletin 300-49.

- (2) Authorities are limited to the conditions covered by applicable regulations and instructions.

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DELEGATION OF CIVILIAN PERSONNEL AUTHORITY

TO THE DIRECTOR OF THE NAVAL CIVILIAN PERSONNEL COMMAND

(NCPC) AND THE DIRECTOR OF NCPC FIELD DIVISIONS

- 3-1 Waiver of limitation on appointment to positions in Navy activities within 180 days of discharge of retired enlisted personnel to (1) wage positions, (2) General Schedule positions at GS-7 and below, and (3) General Schedule positions GS-8 and above for which payment of travel expenses to first duty station has been authorized, except executive level positions above the GS-15 level. (Reference 5 USC 3326 and CMMI 300.12)
- 3-2 Converting employees to career or career-conditional appointments after their positions have been brought into the competitive service. (Reference 5 CFR 315.701, 316.702, FPM 315.7-2 and FPM 315, Appendix D) (R)

Enclosure (3)

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DELEGATIONS OF CIVILIAN PERSONNEL AUTHORITIESDELEGATED TO THE SPECIAL ASSISTANT FOR CIVILIAN PERSONNEL/

(R

EQUAL EMPLOYMENT OPPORTUNITY

- 4-1 Part 301.201 and 301.202. Overseas Limited Appointments. Authorize use of overseas limited appointment of U.S. citizens recruited in area where overseas limited appointments are not already authorized by DON Instructions. (Reference FPM 301.2-2 and DOD Instruction 1400.23 of 18 September 1974 (CMMI 301.4-A))
- 4-2 Waiver of Limitation on appointments to positions in Navy activities within 180 days of discharge of retired military officers, and of retired enlisted personnel to General Schedule positions at GS-8 and above, for which payment of travel expenses to first duty station has not been authorized and for executive level positions above the GS-15 level. (Reference 5 USC 3326, CPI 300.12)
- 4-3 Part 550.603: Waiver of reduction in military retirement pay for retired regular officers appointed to positions other than Medical Officers. (Reference 5 USC 5532 and 5 CFR 550.603a) (R
- 4-4 Part 591, Subpart C. Remote Work Site Commuting Allowances. (Reference 5 USC 5942, Executive Order 11609 and FPM Supplement 591S3)

Enclosure (4)